IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5872 of 2005

Between:

Gandam Venkata Ramana Rao, S/o. Anjaneyulu, Shop No. 63, R/o. 2-26/1, Yanamadurru Village, Bhimavaram Mandal, West Godavari District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary, Civil Supplies Department, Secretariat, Secretariat Buildigns, Hyderabad.
2 Joint Collector, Eluru, West Godavary District.
3 Sub-Collector/Revenue Divisional Officer, West Godavari District.
4 Mandal Revenue Officer, Bhimavaram, M.R.O. Office, Bhimavaram,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of 3rd respondent in issuing the impugned proceedings Vide Roc.185/2005, dated 16-3-2005 suspending the authorisation of the petitioner without conducting any enquiry or without giving any show cause notice, is highly illegal arbitrary and against the principles of natural justice and against the rights guaranteed under Art 14 and 21 of the Constitution of India, and consequently set aside the same and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MRS. D.GEETHA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Challenging the proceedings of the third respondent in suspending his authorisation as a fair price shop dealer, pending enquiry, the petitioner filed the present writ petition.

However, it is to be noticed that a statutory appeal under the Control Order 2001 is undisputedly available to the petitioner to challenge the impugned proceedings.

But the learned counsel for the petitioner, Mrs. Geetha, vehemently contends that the third respondent has not at all issued any show cause notice to the petitioner before resorting to suspend the authorisation of the petitioner as such.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with liberty being given to the petitioner to approach the appellate authority, within two weeks from the date of receipt of a copy of this order, seeking redressal. It is further made clear that the petitioner is also at liberty to file an application seeking interim orders and upon any such application being filed by the petitioner, seeking any interim relief, the appellate authority shall consider it and pass orders as deemed fit

with utmost expedition. Till such time, the impugned order dated 16-3-2005 passed by the third respondent shall not be given effect to. No costs.

23-03-2005

Note:

Operative portion of the

Order may be given on

Wire at party's cost.

B/0

KVSN

To

1 The Secretary, Civil Supplies Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

2 Joint Collector, Eluru, West Godavary District.

3 Sub-Collector/Revenue Divisional Officer, West Godavari District.

4 Mandal Revenue Officer, Bhimavaram, M.R.O. Office, Bhimavaram,

West Godavari District.

5 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

6 Two CD copies.